

(3) Transmission data is transmitted from the communications terminal to the server according to instructions contained in the instruction file, and the transmission data includes at least a portion of the data that was *generated* due to execution of the application.

A further description of the features enumerated above will now be provided with reference to various portions of the application. However, reference to the application is provided only to aid in the Examiner's understanding of the invention, and is not intended to otherwise limit the scope of the claims to any specific embodiments described therein.

Paragraph [0063] of the substitute specification provides an example of data that is *generated* when an application is executed according to instructions contained in an instruction file retrieved from a server by a communications terminal, as recited in the independent claims. In particular, the application to be executed is the "Whack-A-Mole" game, and the generated data includes the high score information obtained during execution of the game, as well as the level of difficulty of the game when the high score was achieved. As explained in paragraph [0070] of the substitute specification, the transmission data to be transmitted from the communications terminal to the server includes the high score data that was *generated* during the execution of the application.

The Lenz reference discloses an automatic client configuration system, including a client 102 and a server 103. In the outstanding Office Action, the Examiner asserted that the "instruction file of Lenz does include instructions to configure an e-mail address, with such address being communicated back to the server," and refers to column 3 of the Lenz reference as support for this assertion. Column 3, lines 1-12 of the Lenz reference explains that the server 103 sends a configuration file 106 to a client (i.e., a communication terminal) 102, and that the file contains commands which tell the client 102 to set certain preferences and configuration items as required. The configuration file, however, does not provide instructions for executing an application so as to *generate* data. In this regard, the ordinary meaning of the term "generate" is "to bring into existence" (see *Webster's Ninth New Collegiate Dictionary*). In other words, the data generated during execution of the application according to the present invention, such as the high score data described above, was not previously in existence before the execution of the application. In contrast, setting particular e-mail preferences does not require *generating* data by executing an application, but instead merely requires identifying previously-existing files or data. Therefore, the e-mail address of the Lenz reference does not correspond to *generated* data of the present invention, and the Lenz

reference does not disclose or even suggest executing an application according to instructions contained in an instruction file so as to *generate* data. Therefore, the Lenz reference also does not disclose or suggest transmission data that is transmitted from the communications terminal to the server, in which the transmission data includes at least a portion of the data *generated* due to the execution of the application.

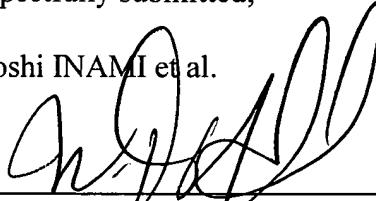
On page 2 of the Office Action, the Examiner asserted that the Lenz reference also teaches that the file of retrieved instructions (presumably the configuration file 106) includes specifying data for specifying the types of data to be sent to the server, such as an e-mail address. In this regard, the Examiner referred to column 3, lines 42-44 of the Lenz reference, which describes the embodiment illustrated in figure 4. Of course, this embodiment clearly teaches that a JSC file 403 requests a user's e-mail address 404 which is *sent by* the server 405. In other words, in contrast to the Examiner's assertion on page 2 of the Office Action, the e-mail address is not sent *to* the server, but is instead received *from* the server. In any event, as explained above, the e-mail address does not constitute *generated* data, as recited in the claims. Accordingly, it is submitted that the Lenz reference does not anticipate claims 15-34.

Moreover, the Lenz reference does not even *suggest* an invention in which an application is executed according to instructions contained in an instruction file so as to generate data, and in which transmission data is transmitted to a server, and the transmission data includes at least a portion of the data generated due to the execution of the application. Therefore, one of ordinary skill in the art would not even be motivated to modify the Lenz reference so as to obtain the invention recited in claims 15-34. Accordingly, it is respectfully submitted that claims 15-34 are clearly patentable over the prior art of record.

In view of the above remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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